

TENTATIVE RULINGS for CIVIL LAW and MOTION

April 24, 2009

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Fifteen: (530) 406-6942

TENTATIVE RULING

Case: **Carter v. Thomas III, et al.**

Case No. CV CV 08-917

Hearing Date: **April 24, 2009** **Department Fifteen** **9:00 a.m.**

Plaintiff Ken W. Carter's unopposed motion for summary judgment is **GRANTED**. (Code Civ. Proc., § 437c; Undisputed Material Facts Nos. 1-31.) Plaintiff has shown that there is no triable issue of material fact and that there is no defense to plaintiff's complaint for breach of the written settlement agreement.

Plaintiff is directed to prepare a formal order consistent with this ruling and in accordance with Code of Civil Procedure section 437c, subdivision (g) and California Rules of Court, rule 3.1312.

TENTATIVE RULING

Case: **Deutsche Bank National Trust Company v. Arreola**

Case No. CV UD 08-3502

Hearing Date: **April 24, 2009** **Department Fifteen** **9:00 a.m.**

Plaintiff Deutsche Bank National Trust Company's unopposed motion for summary judgment is **GRANTED**. Plaintiff seeks damages in lost rent in the complaint. (*Aguilar v. Atlantic Richfield Company* (2001) 25 Cal.4th 826, 849; Undisputed Material Facts Nos. 1-8.)

Plaintiff is directed to prepare a formal order consistent with this ruling and in accordance with Code of Civil Procedure section 437c, subdivision (g) and California Rules of Court, rule 3.1312.

TENTATIVE RULING

Case: **Monticello v. DeBie**
Case No. CV PO 08-650
Hearing Date: **April 24, 2009** **Department Fifteen** **9:00 a.m.**

The petitioner and the minor are directed to appear or to show good cause why the petitioner and the minor should not be required to appear. (Cal. Rules of Court, rule 7.952.) If the petitioner and the minor choose to show good cause, they should do so by filing of a declaration before the hearing setting forth the facts supporting good cause. If the parties fail to appear at the hearing and the court has not excused their personal appearance, the petition will be denied without prejudice. No request for a hearing is required.

TENTATIVE RULING

Case: **The Regents of The University of California v.**
Howard S. Wright Construction Company, et al.
Case No. CV CV 07-1982
Hearing Date: **April 24, 2009** **Department Fifteen** **9:00 a.m.**

Cross-defendant California Single Ply, Inc.'s motion to continue the June 9, 2009, trial date or in the alternative to sever and continue the trial of Howard S. Wright Construction Company's cross-complaint against it is **GRANTED** as follows: The Court finds that there is good cause to sever and continue the trial and discovery cut-off dates with regard to Howard S. Wright Construction Company's cross-complaint against California Single Ply, Inc. given their recent appearance in this matter and the lack of prejudice to defendant/cross-complainant. (Cal. Rules of Court, rule 3.1332.)

The parties are **ORDERED TO ATTEND** a further case management conference on Thursday, May 21, 2009, at 1:30 p.m. in Department 10.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: **Scripps v. Jackson**
Case No. CV UD 09-870
Hearing Date: **April 24, 2009** **Department Fifteen** **9:00 a.m.**

Plaintiffs Justin W. Scripps' and Jamie S. Reamer's unopposed motion for summary judgment is **GRANTED**. (Code Civ. Proc., § 437c, subd. (c).) Plaintiffs met their burden of proving each element of the cause of action entitling them to judgment on the cause of action for unlawful detainer. (Code Civ. Proc., §§ 437c, subd. (p)(1) and 1161 *et seq.*)

Plaintiffs are awarded \$1,866.77 in rental damages. (Code Civ. Proc., § 1174.)

Plaintiffs' request for costs is **DENIED WITHOUT PREJUDICE**. (Cal. Rules of Court, rule 3.1700.)

Plaintiffs are directed to prepare a formal order consistent with this ruling and in accordance with Code of Civil Procedure section 437c, subdivision (g) and California Rules of Court, rule 3.1312.